

ORDINANCE NO. 20071206-100

AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2008 FOR PROPERTY IN THE EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Findings: The Council finds that.

- (A) Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local Government Code (Act) authorized the creation of the East Sixth Street Public Improvement District (District)
- (B) On August 26, 2004, the City Council passed a resolution, which approved the creation of the District in accordance with its findings
- (C) On November 8, 2007, the City Council approved a calendar year 2008 assessment rate, proposed year 2008 assessment roll, and a Service Plan and Budget for the District
- (D) On December 6, 2007, the City Council held a public hearing, properly noticed under the Act, to consider the levy of the proposed assessments on property within the District for calendar year 2008
- (E) At the December 6, 2007 public hearing, the City Council heard each objection to a proposed assessment, found in each case that the assessments levied against each parcel are reasonable and consistent with the special benefits conferred by the District, and passed on each objection before it closed the public hearing
- (F) The assessments set out in Exhibit A, attached to and incorporated in this ordinance
 - (1) should be made and levied against the property and property owners within the District,
 - (2) are in proportion to the benefits to the property for the services and improvements in the District, and

- (3) establish substantial justice, equality, and uniformity in the amount assessed against each property owners for the benefits received and burdens imposed.
- (G) In each case, the property assessed is benefited by the services and improvements provided in the District
- (H) The exclusion of certain property from assessment is reasonable because the excluded property will not receive a benefit from the District that is sufficient to justify an assessment and the exclusions promote efficient management of the District.
- (I) The procedures followed and apportionment of the cost of the services and improvements in the District comply with applicable law and the purpose for which the District was formed
- (J) The assessments are based on the Travis Central Appraisal District appraised value of property within the District

PART 2. Exemptions and Exclusions. The Council exempts the following from payment of the assessment and excludes from the assessment roll

- (A) City property used for a public purpose,
- (B) property owned by the County, or a political subdivision of the State of Texas and used for a public purpose,
- (C) property exempt from taxation under Section 11 20 (*Religious Organizations*) of the Texas Property Tax Code,
- (D) property used exclusively for school purposes, as identified by the Travis Central Appraisal District records,
- (E) property owned by an association engaged in promoting the religious, education, and physical development of boys, girls, young men or young women operating under a state or national organization and used exclusively for such purpose, including property owned by the Austin Independent School District,
- (F) property owned by an institution of purely public charity, as identified by the Travis Central Appraisal District records,
- (G) property used primarily for recreational, park, or scenic purposes during the calendar year immediately preceding the effective date of this ordinance;
- (H) property owned by a utility that is located in a public street or rights-of-way;

- (I) property used as a residence that fits the definition of a homestead in Section 41.002 (*Definition of Homestead*) of the Texas Property Code;
- (J) any hospital, and
- (K) the valuation over \$500,000 of property liable for assessment

PART 3. Assessment and Levy. The assessments shown on Exhibit A are levied and assessed against the property in the District and against the record owner of the property identified by the Travis Central Appraisal District records

PART 4. Liability of Multiple Owners. Each owner of property in the District owned by two or more individuals or entities is personally liable for the amount of the assessment equal to the share of the total assessment against the property based on the owner's partial interest in the total property ownership. A property owner's interest in property may be released from an assessment lien if the owner pays the owner's proportionate share of an assessment

PART 5. Interest and Lien.

- (A) An assessment shown on Exhibit A
 - (1) accrues interest at the rate of 0% from the effective date of this ordinance until February 1, 2008,
 - (2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after February 1, 2008, until paid, and
 - (3) is a lien on the property shown in Exhibit "A" and the personal liability of the property owner
- (B) A lien executed under this ordinance is the first enforceable lien and claim against the property on which an assessment is levied, and is superior to all other liens and claims except a state, county, school district, or City ad valorem tax

PART 6. Due Date and Collection. An assessment is due and payable in full on or before February 1, 2008. If a property owner defaults on payment of an assessment against the owner's property, the city manager may file suit to collect the assessment and may initiate a lien foreclosure, including interest, penalties, costs and attorney's fees

PART 7. Statutory Authority. The assessments levied by this ordinance are made under the authority of Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local Government Code

PART 8. Reassessment.

- (A) If the Travis Central Appraisal District's appraised value of property in the District is reduced by a court order, not subject to further appeal, or by a final settlement or appeal process of the Travis Central Appraisal District, the city manager shall reduce the assessment on the property, so that the reduction in value reduces an assessment as calculated in accordance with this ordinance, under Section 372 020 (*Reassessment*) of the Texas Local Government Code
- (B) The city manager shall reimburse a property owner the amount of an excess assessment paid to the City based on the reduction in the Travis Central Appraisal District's appraised value of the property, plus interest on the excess payment at the rate of 1 75 percent per annum

PART 9. Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to a person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 10. This ordinance takes effect on December 17, 2007.

PASSED AND APPROVED

_____ December 6, 2007	§ § § _____ Will Wynn Mayor
APPROVED: _____ David Allan Smith City Attorney	ATTEST: _____ Shirley A. Gentry City Clerk

EXHIBIT A

City of Austin East Sixth Street Public Improvement District (SID) 2008 Assessment

Prop ID	Property owner name	Parcel	Taxable value	PID taxable	Assessment
194400	P WALTON STACY OFFICE PARTNERS IV L	02-0603-0613-0000	\$1,675,000	\$500,000	\$500 00
194401	P WALTON STACY OFFICE PARTNERS IV L	02-0603-0615-0000	8,968,728	500,000	500 00
194402	P WALTON STACY OFFICE PARTNERS IV L	02-0603-0616-0000	36,993,959	500,000	500 00
194403	HVP AUSTIN SCARBROUGHT L P	02-0603-0701-0000	14,676,681	500,000	500 00
194412	WENDLANDT BILL COMPANY INC	02-0603-0711-0000	782,641	500,000	500 00
194413	GREAT AMERICAN LIFE INSURANCE CO	02-0603-0712-0000	15,704,450	500,000	500 00
194414	LH BRAZOS HOLDING LP	02-0603-0713-0000	10,913,259	500,000	500 00
194415	JLKP BRAZOS 610 FAMILY LIMITED	02-0603-0714-0000	1,061,700	500,000	500 00
194454	HANG EM HIGH SALOON L L C	02-0603-1102-0000	3,010,459	500,000	500 00
194455	GROVE DRUG BUILDING L L C	02-0603-1103-0000	1,300,732	500,000	500 00
194456	RENDON ADOLFO & VALERIE VARGAS	02-0603-1104-0000	612,309	500,000	500 00
194457	LAVES BENARD & HAROLD P LAVES	02-0603-1105-0000	399,633	399,633	399 63
194458	LAVES BENARD & HAROLD	02-0603-1106-0000	507,513	500,000	500 00
194459	LAVES BENARD & HAROLD P LAVES	02-0603-1107-0000	576,023	500,000	500 00
194460	CEREAL BOWL L C	02-0603-1108-0000	512,447	500,000	500 00
194461	TOUCHE INC	02-0603-1109-0000	1,043,932	500,000	500 00
194466	BULLARD THOMAS HUGH	02-0603-1208-0000	2,010,417	500,000	500 00
194467	WHITE B O JR & ROBERT E WHITE	02-0603-1209-0000	789,516	500,000	500 00
194468	WHIMSICAL NOTIONS INC	02-0603-1210-0000	1,625,555	500,000	500 00
194469	HANNIG ROW PARTNERSHIP	02-0603-1214-0000	4,963,600	500,000	500 00
194486	ELMIGER FAMILY LTD &	02-0603-1603-0000	1,419,637	500,000	500 00
194487	RADKEY O H	02-0603-1604-0000	473,242	473,242	473 24
194488	AUSTIN APOLLO ENTERTAINMENT INC	02-0603-1605-0000	176,640	176,640	176 64
194489	VALENTINE & FRIENDS INC	02-0603-1606-0000	581,325	500,000	500 00
194490	ROGERS CHONG S	02-0603-1607-0000	172,371	172,371	172 37
194491	SIMMS JOHN LEE & JOAN L MCLEOD	02-0603-1608-0000	145,119	145,119	145 12
194492	SIMMS JOHN LEE & JOAN L MCLEOD	02-0603-1609-0000	263,583	263,583	263 58
194493	DENANCY TRUST	02-0603-1610-0000	368,165	368,165	368 17
194494	SILBERTSTEIN NANCY BETH & DENA	02-0603-1611-0000	540,577	500,000	500 00
194495	321 EAST 6TH ST LTD	02-0603-1612-0000	525,085	500,000	500 00
194496	SHEA TERESA JOSEPH	02-0603-1613-0000	334,428	334,428	334 43
194497	SMITH-HAGE BUILDING L P	02-0603-1614-0000	1,202,483	500,000	500 00
194501	JOSEPH MARY Y	02-0603-1701-0000	272,012	272,012	272 01
194504	PECAN STREET REAL ESTATE HOLDI	02-0603-1706-0000	1,387,325	500,000	500 00
194505	CRADDOCK PROPERTIES L L C	02-0603-1707-0000	758,649	500,000	500 00
194506	CRADDOCK PROPERTIES L L C	02-0603-1708-0000	188,400	188,400	188 40
194507	LINN EMMA L	02-0603-1709-0000	543,750	500,000	500 00
194508	MANOS GLORIA ZEGUB & CHARLENE	02-0603-1710-0000	303,297	303,297	303 30
194509	CRADDOCK LARRY J & BETTE C PRE	02-0603-1711-0000	1,327,408	500,000	500 00
194510	JOSEPH JOSEPH & WILLIAMS PARTNERSHIP	02-0603-1712-0000	554,128	500,000	500 00
194511	RAMZI CORP	02-0603-1713-0000	844,990	500,000	500 00
194512	RAMZI CORP	02-0603-1714-0000	729,709	500,000	500 00
194513	JIMENEZ CESAR TRUST	02-0603-1715-0000	603,041	500,000	500 00
700931	LITTLEFIELD AUSTIN PARTNERS LP	02-0603-2202-0000	3,150,775	500,000	500 00

**City of Austin
East Sixth Street Public Improvement District (SID)
2008 Assessment**

Prop ID	Property owner name	Parcel	Taxable value	PID taxable	Assessment
700932	LITTLEFIELD AUSTIN PARTNERS LP	02-0603-2203-0000	2,896,420	500,000	500 00
700933	LITTLEFIELD AUSTIN PARTNERS LP	02-0603-2204-0000	2,652,420	500,000	500 00
194520	ARMSTRONG HAL B III	02-0604-0102-0000	1,354,613	500,000	500 00
194521	FOX SAXON TRUSTEE OF THE FOX TRUST	02-0604-0103-0000	849,831	500,000	500 00
194522	SCHULTZ ENTERPRISE LLC	02-0604-0104-0000	1,022,746	500,000	500 00
194523	DESILVA DAVID IRI	02-0604-0105-0000	1,717,849	500,000	500 00
194524	JABOUR ARTHUR	02-0604-0106-0000	340,145	340,145	340 15
194525	KOURI & KOURI 6TH ST PROPERTIE	02-0604-0107-0000	368,355	368,355	368 36
194526	RATR INC	02-0604-0108-0000	607,390	500,000	500 00
194527	421 SIXTH ST LTD	02-0604-0109-0000	1,037,935	500,000	500 00
194528	AMITIE L P	02-0604-0110-0000	631,763	500,000	500 00
194529	WOOLDRIDGE ASSOCIATES LLC	02-0604-0201-0000	729,908	500,000	500 00
194530	LAKE INVESTMENT & PRODUCTION	02-0604-0203-0000	346,230	346,230	346 23
194534	JO ME NI	02-0604-0208-0000	950,789	500,000	500 00
194535	HIRSCHFELD PAULINE SIMON ETAL	02-0604-0209-0000	731,643	500,000	500 00
194536	CARLIN JOE	02-0604-0210-0000	359,001	359,001	359 00
194537	JABOUR THEODORE AND ARTHUR	02-0604-0211-0000	206,658	206,658	206 66
194538	SIMS WILLIAM EARL & JANIE M	02-0604-0212-0000	326,589	326,589	326 59
194540	EAST 6TH STREET-408 L P	02-0604-0214-0000	831,730	500,000	500 00
194541	406 E SIXTH STREET LTD	02-0604-0215-0000	566,515	500,000	500 00
194542	404 E SIXTH STREET LTD	02-0604-0216-0000	470,673	470,673	470 67
194543	402 EAST SIXTH VENTURE INC	02-0604-0217-0000	614,782	500,000	500 00
194544	COHEN GARY SCOTT & ETAL	02-0604-0218-0000	641,316	500,000	500 00
194564	GRIMES DAVID H & ELIZABETH C	02-0604-0501-0000	330,339	330,339	330 34
194565	GRIMES DAVID H & ELIZABETH C	02-0604-0502-0000	451,343	451,343	451 34
194566	GSD ENTERPRISES L P	02-0604-0503-0000	726,611	500,000	500 00
194567	EAST SIXTH STREET LTD	02-0604-0504-0000	1,104,795	500,000	500 00
194568	BOOTHE TERRY E	02-0604-0505-0000	555,219	500,000	500 00
194569	JHMBW L P	02-0604-0506-0000	638,179	500,000	500 00
194570	LAMAR ENTERPRISES INC	02-0604-0507-0000	204,283	204,283	204 28
194571	BERNHARD GARY L & ELIZ	02-0604-0508-0000	194,806	194,806	194 81
194572	CASMARK PROPERTIES LLC	02-0604-0509-0000	350,054	350,054	350 05
194573	3 DH JOINT VENTURE	02-0604-0510-0000	271,716	271,716	271 72
194574	SHELTON MICHAEL L & SHANNON SEDWICK	02-0604-0511-0000	1,106,738	500,000	500 00
194577	MAURO CARMELO & HILARY	02-0604-0514-0000	2,578,282	500,000	500 00
194578	LAMAR ENTERPRISES INC	02-0604-0516-0000	197,392	197,392	197 39
194579	COMPANY 512	02-0604-0517-0000	271,958	271,958	271 96
194584	CARRINGTON GROUP L L C	02-0604-0606-0000	1,279,184	500,000	500 00
194585	OLSON LARUE FAMILY TRUST & M L	02-0604-0607-0000	167,292	167,292	167 29
194586	OLSON LARUE FAMILY TRUST & M L	02-0604-0608-0000	289,728	289,728	289 73
194587	OLSON LARUE FAMILY TRUST & M L	02-0604-0609-0000	386,753	386,753	386 75
194588	508 E SIXTH STREET LTD	02-0604-0610-0000	1,030,196	500,000	500 00
194589	500 E 6TH STREET INC	02-0604-0611-0000	536,653	500,000	500 00
194590	CASTRO FRANK SOLIS	02-0604-0612-0000	366,353	366,353	366 35
194617	GRANT BUILDINGS L P	02-0604-1001-0000	8,853,103	500,000	500 00
194626	DAYWOOD CARL	02-0604-1110-0000	396,628	396,628	396 63
194627	3DH JOINT VENTURE	02-0604-1111-0000	298,022	298,022	298 02

**City of Austin
East Sixth Street Public Improvement District (SID)
2008 Assessment**

Prop ID	Property owner name	Parcel	Taxable value	PID taxable	Assessment
194628	AP3-PPW LTD & MOR/ARR LTD	02-0604-1112-0000	608,558	500,000	500 00
194629	HENDRIX FRANKLIN D	02-0604-1113-0000	192,000	192,000	192 00
194631	HENDRIX FRANK	02-0604-1115-0000	747,673	500,000	500 00
194632	RUSH JOYCE	02-0604-1116-0000	248,239	248,239	248 24
194633	WTF INVESTMENSTS LLC	02-0604-1117-0000	993,905	500,000	500 00
194661	LUNDELL LIMITED PARTNERSHIP	02-0604-1501-0000	911,907	500,000	500 00
194662	CITY OF AUSTIN	02-0604-1502-0000	0	0	0 00
194663	CITY OF AUSTIN	02-0604-1503-0000	0	0	0 00
194664	OGDEN MARY D	02-0604-1504-0000	600,238	500,000	500 00
194665	CHELF JEANETTE	02-0604-1505-0000	305,311	305,311	305 31
194666	LY TAI & CHRISTINA CHAN	02-0604-1506-0000	729,874	500,000	500 00
194667	DREYFUS DOMINIQUE & GEORGE H	02-0604-1507-0000	336,216	336,216	336 22
194668	DREYFUS GEORGE &	02-0604-1508-0000	334,779	334,779	334 78
194669	J H M B W LP	02-0604-1510-0000	293,938	293,938	293 94
194670	J H M B W LP	02-0604-1517-0000	166,264	166,264	166 26
194671	J H M B W LP	02-0604-1518-0000	29,760	29,760	29 76
194672	CITY OF AUSTIN	02-0604-1519-0000	0	0	0 00
194673	CP AUSTIN HOTEL LP	02-0604-1520-0000	16,230,000	500,000	500 00
194679	MANOS VIOLET ETALS	02-0604-1607-0000	186,623	186,623	186 62
194680	MANOS VIOLET ETALS	02-0604-1608-0000	142,016	142,016	142 02
194681	MANOS VIOLET ETALS	02-0604-1609-0000	72,457	72,457	72 46
194682	MANOS VIOLET ETALS	02-0604-1610-0000	76,944	76,944	76 94
194683	HABANA 6TH ST PROPERTIES LTD	02-0604-1611-0000	296,271	296,271	296 27
194684	DAYWOOD RUBY TRUSTEE OF	02-0604-1612-0000	509,310	500,000	500 00
194686	CITY OF AUSTIN	02-0604-1614-0000	0	0	0 00

Total parcels 116

Total values

\$191,847,904 \$45,872,026 \$45,872

I, Diana Thomas, affirm and attest that this is a true and correct account of all assessments used for the Downtown Public Improvement District as of October 31, 2007 as furnished to the City of Austin by the Travis Central Appraisal District


Diana Thomas, Acting Controller